

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: _____ DATE FILED: 5/9/2025

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----	X	
	:	
ARTHUR PICCOLO,	:	
	:	
Plaintiff,	:	1:25-cv-2617-GHW
	:	
-v-	:	<u>ORDER</u>
	:	
NEW YORK CITY BOARD OF ELECTIONS,	:	
	:	
Defendant.	:	
	:	
-----	X	
GREGORY H. WOODS, United States District Judge:		

On April 15, 2025, the Court issued an order to show cause why an order should not be granted pursuant to Fed. R. Civ. P. 65 ordering Defendant to place Plaintiff on the Democratic primary ballot for the election for New York City mayor. Dkt. No. 17. The Court held a hearing on the record on May 8, 2025 regarding the matter. For the reasons discussed on the record during May 8, 2025 hearing, Plaintiff's application for preliminary injunctive relief is denied.

As discussed during the May 8, 2025 hearing, Defendant is directed to attain a copy of the transcript of the hearing and to provide that transcript to Plaintiff. Further, should Plaintiff wish to continue the litigation, Plaintiff is directed to serve a notice on the New York Attorney General stating the question of the constitutionality of the New York statutes he is challenging, pursuant to Fed. R. Civ. P. 5.1(a). Because Plaintiff is proceeding *in forma pauperis*, Plaintiff may file his proposed notice with the Court, and the Court will direct the U.S. Marshals Service to effect service for Plaintiff. The proposed notice is due no later than May 15, 2025. As discussed during May 8, 2025 hearing, discovery in this case is stayed pending service of the notice on the New York Attorney General and an answer or other response to the complaint by Defendant.


The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal.

See Coppedge v. United States, 369 U.S. 438, 444–45 (1962).

The Clerk of Court is directed to terminate the motions pending at Dkt. Nos. 10, 21.

SO ORDERED.

Dated: May 9, 2025
New York, New York



GREGORY H. WOODS
United States District Judge